

STATE OF MARYLAND : CASE NO. C-10-CR-19-000537 RM
C-10-CR-19-000604 2/10/2022
C-10-CR-19-001437
V. : IN THE CIRCUIT COURT FOR
ERNESTO CESAR TORRES : FREDERICK COUNTY, MARYLAND

STATE'S MOTION TO COMPEL UNDER RULE 4-263(f)

Comes now the State Maryland, by Tammy M. Leache and Joyce R. King, Assistant State's Attorneys, and moves This Honorable Court to compel the defendant to appear for evaluation in the above captioned case as required by Rule 4-263 (f).

1. In light of the conflicting opinions of Dr. Robinson of the Maryland Department of Health and Dr. Tellefsen, hired by defense counsel, regarding the Defendant's competency, the State has consulted an independent expert to render an opinion in the hopes of reconciling this discrepancy, and
2. That this expert, Dr. Roskes, has reviewed the opinions of the above-named experts and other relevant documentation, but indicated that, in order to make a proper assessment as to whether the Defendant is competent, he needs to meet with the Defendant, personally.
3. That, just as an evaluation by Dr. Robinson did not violate the Defendant's 5th and 6th Amendment rights under the Constitution of the United States, nor his rights under the Maryland Constitution, Declaration of Rights, neither would an evaluation conducted by Dr. Roskes.
4. That, just as the Defendant is permitted to have an independent evaluation conducted, nothing under Criminal Procedure Article 3-106 prevents the State from also conducting an independent evaluation. Spring Grove Hospital Center advises the State that they are likewise unaware of any statute or authority that permits the Defense to object to such an evaluation while he is being housed in their facility, but that, in light of Defense Counsel's stated objection, they are requesting a Court Order.
5. That, because there are currently two evaluations, that basically cancel each other out, the State is hoping a third evaluation will provide the Court and the State with some insight as to whether or not the Defendant is competent. The State is not seeking a specific outcome, only a reliable finding as to competency.
6. That no information provided by the Defendant in an evaluation by Dr. Roskes, compelled by this ORDER, and no information directly or indirectly derived from the information

provided, may be used against ERNESTO CESAR TORRES in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with the order.

WHEREFORE, the State respectfully requests this Honorable Court to GRANT the State's Motion and issue an order authorizing Dr. Roskes access to interview ERNESTO CESAR TORRES for purposes of assessing competency to stand trial.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February, 2022, a copy of the foregoing State's Motion to Compel under Rule 4-263 was sent via MDEC and/or Sharefile/Citrix, a secure file sharing service, to the designated e-mail address and/or service contact for Margaret Teahan, Esquire, the Attorney for Defendant herein.

Tammy M. Leache /s/
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ASSISTANT STATE'S ATTORNEY

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